

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CHARLENE J. STREET,  
Plaintiff,

v.

KILOLO KIJAKAZI,  
Defendant.

Case No. [5:21-cv-05697-EJD](#)

**ORDER GRANTING MOTION TO  
WITHDRAW**

Re: Dkt. No. 17

Plaintiff Charlene J. Street's counsel, Harvey P. Sackett, moves to withdraw as counsel of record. *See* Dkt. No. 17. For the foregoing reasons, the Court **GRANTS** Mr. Sackett's motion to withdraw.

In ruling on a motion to withdraw as counsel, courts consider (1) the reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants; (3) the harm withdrawal might cause to the administration of justice; and (4) the degree to which withdrawal will delay the resolution of the case. *See* N.D. Cal. Civ. L.R. 11-5. In this Circuit, the California Rules of Professional Conduct govern the conduct of attorneys, including the withdrawal of counsel. *See* N.D. Cal. Civ. L.R. 11-4(a)(1); *see also Nehad v. Mukasey*, 535 F.3d 962, 970 (9th Cir. 2008) (applying California Rules of Professional Conduct to attorney withdrawal). Withdrawal is appropriate when the client's conduct renders it unreasonably difficult for the [attorney] to carry out the employment effectively. *See* Cal. R. Prof. Conduct 3-700(C)(1)(d). Mr. Sackett declares that he and Plaintiff have had a breakdown in communication and that, as a result, he can no longer continue to represent Plaintiff effectively. *See* Dkt. No. 17-1. The Court provided Plaintiff with an opportunity to submit a response, but she declined to do so, as did


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opposing counsel. *See* Dkt. Nos 20, 21. The Court thus determines that any prejudice is minimal and the reason for withdrawal is permissible. The Court **GRANTS** Mr. Sackett's motion to withdrawal.

The Court will provide Plaintiff **sixty days** to retain new counsel. During this time period, the scheduling order will be held in abeyance. Any new counsel retained during this period shall immediately file a notice of appearance with the Court. During this period, Mr. Sackett must accept papers for forwarding to Plaintiff, unless new counsel is secured.

**IT IS SO ORDERED.**

Dated: February 28, 2022.

  
EDWARD J. DAVILA  
United States District Judge

United States District Court  
Northern District of California